

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;) CIVIL NO. CV03-00385 SOM-LEK
) (Copyright)
)
Plaintiff,) DEFENDANT PCT'S MOTION IN
) LIMINE NO. 2 (TO EXCLUDE
) THOMAS UENO)
vs.)
)
HAWAIIAN EXPRESS SERVICE, INC., et al.,) Judge: Hon. Susan O. Mollway
) Trial Date: January 24, 2006
)
Defendants.) Hearing Date: January 20, 2006
) Hearing Time: 2:00 p.m.

**DEFENDANT PCT'S MOTION IN LIMINE NO. 2
 TO EXCLUDE THOMAS UENO**

COMES NOW Defendant Post-Confirmation Trust ("PCT") by and through its attorneys, and hereby moves this Honorable Court in limine for an Order excluding the opinion and the testimony of Thomas Ueno on the following topics:

- a) profits;
- b) actual damages;
- c) any opinion based on or contained in his December 27, 2005 report.

This motion is based upon Rule 7 of the Federal Rules of Civil Procedure and Rules 401, 402, 403, and 404 of the Federal Rules of Evidence, and is supported by the Memorandum in Support of Motion, Declaration of Lex R. Smith,

and Exhibits attached thereto and the records and files therein.

DATED: Honolulu, Hawaii, January 3, 2006.



KOBAYASHI, SUGITA & GODA
LEX R. SMITH (659-0)
THOMAS H. YEE (7344-0)

KIRKLAND & ELLIS LLP
ERIC C. LIEBELER
DAMIAN CAPOZZOLA
R. OLIVIA SAMAD

Attorneys for Defendant PCT